



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/030,766

10/22/2001

Sin Hui Cheah

RCA 89520

2040

7590

01/16/2009

Joseph S Tripoli
Thomson Multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08540

EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.
2. Regarding the rejection under 35 USC 112 first paragraph, the examiner respectfully disagrees. The term "to generate" is not disclosed in the specification with respect to "a decryption program". The specification discloses generating encoded files and keys, but does not disclose generating a decryption program. The idea of generating an encoded file is conveyed to mean encoding an encoded file by disclosure of the specification, and similarly generating a decrypted program could mean the inverse. However, as the applicant has pointed out, " 'the generating step' **may be performed** by decrypting the decryption program" (bold emphasis added). It may be true, but the specification has not disclosed this, and the examiner believes that a step of generating implies more than decrypting (e.g. the act of generating could imply having a software programmer program in a high-level software language and compiling the high-level software language to a binary computer executable program to generate a decryption program, which would result in a program, or algorithm, capable of decoding another encrypted audio file). Therefore, the rejection can be overcome by amending the step to "to decrypt a decryption program", because this is well supported in the specification.
3. Regarding the rejections under 35 USC 103, the examiner respectfully disagrees.

Art Unit: 2614

Independent claims 1, 4, 6, and 10 and those that depend therefrom are not patentably distinct from the prior art combination of Kaganas, Cho, and Truong as shown in the final office action mailed 10/31/2008.

Truong teaches decoding algorithms (column 3, lines 13-16 and lines 25-26) are decrypted using a security code associated with the handheld audio playback device (column 4, lines 5-15 and lines 24-58 teach a recording medium and a portable medium (e.g. a smart card)). It is clear that the portable medium is the hardware security device (column 4, lines 24-58), wherein the security code is taught to be associated with the audio playback device through at least one of many different ways (column 4, lines 7-15). Furthermore, it is believed that when the "data and/or applications", or the audio file and the codec to decode the audio file, are encrypted (as taught by Truong) it is inherent that the application, or codec, must be decrypted first in order to decode the audio file. The implication that an encrypted program could be used without decryption first would negate any benefit of security derived from an encryption process.

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614